

REMARKS

1. Preliminary Remarks

a. Status of the Claims

Claims 66-103 are pending in this application. Claims 66, 67, 91-93, and 95 are amended; and claims 72-90 and 96-103 are hereby canceled without prejudice to pursuing the canceled subject matter in a continuing application. Applicant respectfully requests entry of the amendments and remarks made herein into the file history of the application. Upon entry of the amendments, claims 66-71 and 91-95 will be pending and under active consideration.

b. Amendments to the Claims

Claims 66 and 67 have each been amended to incorporate the limitations of dependent claims 72 and 90. Claims 72 and 90 have consequently been canceled. In addition, claims 66 and 67 have been amended to recite that the photosensitive molecule is associated with a predetermined change in light wavelength. Support for these amendments is found at page 47, line 3 of the original specification. Claims 91-93 and 95 have been amended to be consistent with the foregoing.

c. Claim Objections

On page 2 of the Office Action, the Examiner objects to claim 103 under 37 C.F.R. § 1.75(c) as allegedly having improper dependent form. This claim has been canceled, thereby rendering the objection moot.

2. Patentability Remarks

a. 35 U.S.C. § 112, second paragraph

On page 2 of the Office Action, the Examiner rejects claims 90 and 103 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The rejection of claim 103 is moot, since this claim has been canceled. As to claim 90, the Examiner's view is that it is incomplete because it lacks an essential limitation. Specifically, the Examiner asserts that the photosensitive molecule must be used as a stimulus with a specific change of light wavelength. Applicant submits that the claim amendments overcome this rejection.

In particular, claims 66 and 67 have been amended to recite that the photosensitive molecule is associated with a predetermined change in light wavelength. Thus, the amendments link the use of the photosensitive molecule as a stimulus with a change in light wavelength. These changes address the allegedly missing claim limitations. In view of the foregoing, Applicant respectfully requests that

the Examiner reconsider and withdraw the claim rejections under 35 U.S.C. § 112, second paragraph.

b. 35 U.S.C. § 103

On pages 2-5 of the Office Action, under 35 U.S.C. § 103(a), the Examiner rejects claims 66-75, 77-85, 96, and 103 as allegedly being unpatentable over U.S. Patent No. 4,279,756 (“Weiss”); claims 86-89 as allegedly being unpatentable over Weiss in further view of U.S. Patent No. 4,536,294 (“Guillet”); and claims 97-102 allegedly being unpatentable over Weiss in further view of U.S. Patent No. 3,194,758 (“Lissant”). Importantly, the Examiner admits that claims 66 and 67 would be allowable if they were amended to include the limitations of claim 90, and to address the § 112 rejection of claim 90. In order to expedite prosecution of this application, this is what Applicant has done. Additionally, claims 72-90 and 96-103 have been canceled, thereby rendering their rejection moot.

As to claims 66 and 67, as described above, they have been amended to include the limitations of claims 72 and 90 (former claim 90 depended from claim 72), thereby addressing any alleged § 103 issues. Additionally, the alleged § 112 issues have been addressed as discussed above by amending claims 66 and 67 to recite that the photosensitive molecule is associated with a predetermined change in light wavelength. Given these amendments, claims 66 and 67, as well as dependent claims 68-71 and 91-95, now cover subject matter that the Examiner has admitted is allowable. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the claim rejections under 35 U.S.C. § 103.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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